

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Civil Action 1:21-cv-09562-PKC(BCM)

BRIAN DONNELLY AKA KAWS and
KAWS INC.,

Plaintiffs,

**DECLARATION OF
RUSSELL I. ZWERIN, ESQ.**

-against-

JONATHAN ANAND, both individually and doing
business as HOMELESS PENTHOUSE,
PENTHOUSE THEORY, HIDEOUT.NYC,
INCOGNITO and YOUNG NEON, DAVID KANG,
DYLAN JOVAN LEONG YI ZHI,
THE PENTHOUSE THEORY,
THE PENTHOUSE COLLECTIVE and
OSELL DINODIRECT CHINA LIMITED,

Defendants.

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RUSSELL I. ZWERIN, ESQ. hereby declares as follows:

1. I am associated with Aaron Richard Golub, Esquire, P.C., attorneys for Plaintiffs Brian Donnelly AKA KAWS and KAWS Inc. (collectively, "Plaintiffs"), and as such am familiar with the facts and circumstances herein. I submit this Declaration in support of Plaintiffs' Motion for Sanctions Against Defendant Jonathan Anand, both individually and doing business as Homeless Penthouse, Penthouse Theory, Hideout.NYC, Incognito and Young Neon ("Anand"), dated October 24, 2023.

2. On October 3, 2023, I participated in a telephonic Case Management Conference with the Court and counsel for Defendant Anand. During that conference, I informed the Court that I intended to file the subject motion for sanctions against Defendant Anand and, in the event that the subject motion is granted, file a motion for default judgment against Defendant Anand pursuant to Federal Rule of Civil Procedure ("FRCP") 55. The Court confirmed that this proposed filing sequence is procedurally correct.

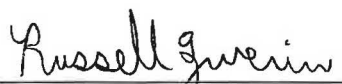
3. The following exhibits are annexed hereto:

- Exhibit 1 Plaintiffs' Complaint, dated November 18, 2021 (Dkt. #1);
- Exhibit 2 Sanjay Chaubey, Esq.'s ("Chaubey") Letter to the Court, dated March 22, 2022 (Dkt. #62);
- Exhibit 3 Russell I. Zwerin, Esq.'s ("Zwerin") Letter to the Court, dated March 22, 2022 (Dkt. #63);
- Exhibit 4 Affidavits of Service, sworn to on February 1 and 2, 2022 (Dkt. ##36-37);
- Exhibit 5 The Court's Order, dated March 22, 2022 (Dkt. #65);
- Exhibit 6 Anand's Affidavit, sworn to on March 28, 2022 (Dkt. #68);
- Exhibit 7 Anand's Answer, dated July 27, 2022 (Dkt. #84);
- Exhibit 8 Transcript of January 17, 2023 Case Management Conference (Dkt. #104);
- Exhibit 9 Anand's FRCP 26(a) Disclosures, dated January 27, 2023 (Dkt. #102);
- Exhibit 10 Plaintiffs' First Set of Document Requests, dated March 1, 2023;
- Exhibit 11 Plaintiffs' First Set of Interrogatories, dated March 1, 2023;
- Exhibit 12 Anand's Responses to Plaintiffs' First Set of Document Requests, dated April 10, 2023;
- Exhibit 13 Anand's Responses to Plaintiffs' First Set of Interrogatories, dated April 10, 2023;
- Exhibit 14 Zwerin's Letter to the Court, dated June 27, 2023 (Dkt. #116);
- Exhibit 15 Nehemiah S. Glanc, Esq.'s ("Glanc") Email to Chaubey, dated April 18, 2023;
- Exhibit 16 Chaubey's Email to Glanc, dated April 27, 2023;
- Exhibit 17 Zwerin's Email to Chaubey, dated April 28, 2023;
- Exhibit 18 Anand's Affidavit, sworn to on June 13, 2023;

- Exhibit 19 The Court's Order, dated July 21, 2023 (Dkt. #118);
- Exhibit 20 The Court's Order, dated July 25, 2023 (Dkt. #120);
- Exhibit 21 Anand's Supplemental Interrogatory Responses, dated August 14, 2023;
- Exhibit 22 Anand's Affidavit, sworn to on August 14, 2023;
- Exhibit 23 Links posted by Anand on Anand's LinkedIn page;
- Exhibit 24 Anand's Instagram story, posted on April 27, 2022;
- Exhibit 25 Anand's Instagram story, posted on May 12, 2022;
- Exhibit 26 Excerpts from Anand's LinkedIn page;
- Exhibit 27 New York Weekly article, dated April 18, 2021;
- Exhibit 28 Anand's Instagram story, posted on June 15, 2023;
- Exhibit 29 Anand's Threads post, posted on or about July 10, 2023;
- Exhibit 30 Glanc's Email to Chaubey, dated March 23, 2023;
- Exhibit 31 Anand's Instagram story, posted on or about June 28, 2023;
- Exhibit 32 Case Management Conference Civil Case Management Plan and Scheduling Order, dated January 17, 2023 (Dkt. #94);
- Exhibit 33 Plaintiffs' First Requests for Admission, dated March 1, 2023;
- Exhibit 34 Anand's Responses to Plaintiffs' First Requests for Admission, dated April 10, 2023;
- Exhibit 35 Anand's blog post, dated October 15, 2023; and
- Exhibit 36 Anand's Instagram story, posted on or about April 28, 2023.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.

Executed this 24th day of October, 2023 in New York, New York.


RUSSELL I. ZWERIN

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